

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01362  
Hon. David A. Faber

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG  
CORPORATION, et al.,

Defendants.

Civil Action No. 3:17-01665  
Hon David A. Faber

**ORDER DENYING PLAINTIFFS' MOTION TO COMPEL  
SEVERED DEFENDANT RITE AID OF WEST VIRGINIA TO PRODUCE  
DISPENSING DATA**

Plaintiffs' Motion To Compel Severed Defendant Rite Aid of West Virginia To Produce Dispensing Data (Dkt. 578) is hereby DENIED. The motion is untimely under the Court's scheduling order (Dkt. 410). The Special Master finds Plaintiffs' were aware of the requirement to, and did file placeholder motions while other ongoing discovery disputes were being negotiated. There is a strong preference for written discovery to conclude and the circumstances for considering a late filed motion must truly be extraordinary. No such circumstances exist here, the Plaintiffs' were aware of the Severed Defendant Rite Aid's written objections (Dkt. 343) well in advance of the Court's filing deadline yet failed to file the instant motion prior to the deadline.

Respectfully submitted,

Christopher C. Wilkes  
Special Master

Dated: July 15th, 2020